IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 14TH DECEMBER 2006 / 23RD AGRAHAYANA 1928

Bail Appl..No. 7415 of 2006()

CP.177/2006 of J.M.F.C.-II,KOTTARAKKARA
CR 5/2005 of Exchange Range Office, Chadayamangalam

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PETITIONER/ACCUSED

RAJEEV,
S/O.THANKAPPAN, PANAMTHOTTATHIL VEEDU,
PADINJATTIN KARA MURI, VELIYAM VILLAGE,
KOTTARAKKARA.

BY ADV. SRI.K.V.ANIL KUMAR

RESPONDENT: COMPLAINANT

STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.

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B.A.No.7415 of 2006

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Dated this the 14th day of December, 2006.

ORDER

Petitioner, who is the accused in C.R.No.5 of 2005 of Excise Range Office, Chadayamangalam for offences punishable under Section 8(1) and (2) of the Abkari Act for allegedly having been found in possession of 10 liters of arrack on 23.1.2005, seeks anticipatory bail.

2. The case is now pending before the J.F.C.M. Court II, Kottarakara as C.P.No.177 of 2006. Consequent on the non-appearance of the petitioner before that court, non-bailable warrant of arrest is pending against the petitioner. Anticipatory bail cannot be granted so as to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same day on

which it is filed after examining the explanation offered by the petitioner for his previous non-appearance.

This application is accordingly dismissed.

V.Ramkumar,
Judge,.

ess 14/12